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October 12, 2021

Honorable Magistrate Judge Miroslav Lovric
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, New York 13901

In Re: Vira Tiffiany Hope, et al. v. Connie Kieltyka, C.N.M., et. al.
Civil Action No. 1:21-cv-00691-GTS-ML
LETTER MOTION – Requesting Adjournment of Case Management
Conference and of the Deadline to Submit Civil Case Management Plan and
Requesting an Extension of the Deadline to Substitute Parties

Dear Judge Lovric:

I am writing with regards to the above case, to respectfully request: 1) an adjournment of the Case Management Conference currently scheduled for October 26, 2021 at 10:00 a.m.; 2) an adjournment of the corresponding deadlines to submit a Civil Case Management Plan and exchange Mandatory Disclosures currently set for October 19, 2021; and 3) an extension of the 90 day deadline under FRCP 25(a)(1) to substitute plaintiff “Vira Tiffiany Hope, as Administrator of the Estate of K.A.H.” as the plaintiff in place and instead of “Vira Tiffiany Hope, as Mother and Natural Guardian of K.A.H.” from December 20, 2021 to February 18, 2022.

As you are aware, this case was scheduled for a Case Management Conference on October 25, 2021, and such conferred carried with it a corresponding requirement for the filing of the Civil Case Management Plan and exchange of Mandatory Disclosures by October 19, 2021. Unfortunately, the infant plaintiff K.A.H. passed away on August 14, 2021, which has put a stop on discovery as the Infant’s representative must be changed from her mother and natural guardian to the Administrator of her Estate. For example, Plaintiffs had previously served authorizations for K.A.H.’s numerous medical providers, which authorizations are now invalid due to K.A.H.’s passing.

Following, K.A.H.'s death and a necessary grieving period, plaintiff Vira Hope and her counsel have been working to obtain the necessary documents and complete the necessary Petition, and accompanying documentation to apply to the Surrogate's Court for Letters of Administration for the Estate of K.A.H. Currently, Plaintiffs' counsel has mailed the necessary application and paperwork to plaintiff Vira Hope to sign and Plaintiffs' counsel intends to file the Petition for Letters of Administration by next week.

However, based on Plaintiffs' Counsel's recent experience, due to COVID-19 and a backlog of applications, it often takes the Surrogate's Court at least several weeks to months to process Petitions for Letters of Administration.

Therefore, it is respectfully requested that the Court adjourn the Case Management Conference currently scheduled for October 26, 2021, and adjourn the accompanying deadlines to file a Civil Case Management Plan and to exchange Mandatory Disclosures currently set as October 19, 2021, in order to accommodate the time period necessary to obtain Letters of Administration for the Estate of K.A.H. and to properly substitute "Vira Hope, as Administrator of the Estate of K.A.H." as the proper plaintiff instead and in place of "Vira Hope, as Mother and Natural Guardian of K.A.H."

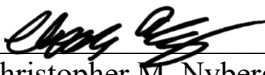
Similarly, in order to accommodate the expected delay in obtaining Letters of Administration for the Estate of K.A.H., Plaintiffs request an extension of the deadline to substitute parties under Rule 25(a). As Plaintiffs served, by ECF filing, the statement noting the death of K.A.H. on September 21, 2021, Plaintiffs believe the deadline to substitute is December 20, 2021. As Plaintiffs counsel reasonably believes it may take longer than this deadline to obtain Letters of Administration, Plaintiffs request a sixty (60) day extension of this deadline to February 18, 2022.

Plaintiffs' Counsel has reached out to counsel for all parties and they have all consented to these adjournments and to the extension of the deadline to substitute Plaintiffs.

Thank you for consideration of this request. Please contact me if the Court has any questions or requires any additional information.

Respectfully submitted,

By:



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